

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE	*	Case No. 20-32291 W
	*	
John Luther Demith	*	Chapter 13
	*	
Debtor	*	Judge Mary Ann Whipple
	*	
	*	Elizabeth A. Vaughan
	*	Chapter 13 Trustee
	*	316 N. Michigan Street, Suite 501
	*	Toledo, Ohio 43604
	*	(419) 255-0675
	*	

Chapter 13 Trustee's Objection to Confirmation

Now comes Elizabeth A. Vaughan, Chapter 13 Trustee, hereby objects to the confirmation of the proposed Chapter 13 Plan.

1. The Trustee asserts the following:

- ☐ TAX RETURNS: The Debtor(s) have failed to provide the Trustee with a copy of the federal and state income tax return.
- ☐ PAYMENT ADVICES: The Debtor(s) have failed to file recent payment advices.
- ☒ FEASIBILITY: The plan as proposed is not feasible.
- ☐ CONDUIT: The Debtor has not provided for the payment of ongoing mortgage payments through the Trustee in the language of the Plan.
- ☒ PLAN: The Plan fails to address treatment of secured creditors and/or lease holders as disclosed in the Debtor's Petition and Schedules, or in Claims filed with the Court.
- ☐ NOTICE: The Plan has not been properly served on secured creditors whose rights are being modified.

- ☐ DOMESTIC SUPPORT OBLIGATIONS: The Trustee has reason to believe the Debtor has domestic support obligation but the Plan does not contain the information which would allow the Trustee to perform her duties.
- ☐ APPLICABLE COMMITMENT PERIOD: The Plan does not provide for an applicable commitment period as required.
- ☐ DISPOSABLE INCOME: The Plan does not commit all of the Debtor(s) projected disposable income for the applicable commitment period.
- ☐ LIQUIDATION: The Plan does not provide unsecured creditors with an amount equal or greater than they would receive in a Chapter 7 liquidation proceeding.
- ☐ GOOD FAITH: The Trustee asserts that the Debtor(s) have not offered the plan in good faith.
- ☐ OTHER: _____
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2. This is an ongoing objection and is intended to be an objection to any subsequent Plan filed by the Debtor(s).

3. The Trustee reserves the right to amend and/or supplement this objection should additional information be provided.

WHEREFORE, Trustee prays this Court deny confirmation of the proposed Plan for the foregoing reasons and requests that the case be dismissed.

Respectfully submitted,

/s/ Elizabeth A. Vaughan
Elizabeth A. Vaughan
Standing Chapter 13 Trustee

CERTIFICATE OF SERVICE

I certify that on November 6, 2020 a true and correct copy of the Chapter 13 Trustee's Objection to Confirmation was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Derek R. Dailey, Esq., on behalf of Debtor(s), at ddaileylaw@gmail.com

United States Trustee at ustp.region09@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

John Luther Demith
201 West 8th Street
Sycamore, Oh 44882
Debtor

/s/ Elizabeth A. Vaughan
Elizabeth A. Vaughan
Standing Chapter 13 Trustee